

**WORKING SESSION
OF THE
KLAMATH RIVER BASIN FISHERIES TASK FORCE AND
HATFIELD UPPER KLAMATH BASIN WORKING GROUP**

*September 12-13, 2001
Best Western Miner's Inn
Yreka, CA*

FINAL MINUTES

September 12, 2001

KLAMATH RIVER BASIN FISHERIES TASK FORCE MEMBERS PRESENT

REPRESENTING	NAME
California Commercial Salmon Fishing Industry	Dave Bitts
California Department of Fish and Game	Not represented
California In-River Sport Fishing Community	Kent Bulfinch
Del Norte County	Don Russell
Hoopa Valley Tribe	Mike Orcutt (alternate)
Humboldt County	Paul Kirk
Karuk Tribe	Ronnie Pierce (alternate)
Klamath County	Chuck Blackburn, vice chair
Klamath Tribe	Not represented
National Marine Fisheries Service	Not represented
Oregon Department of Fish and Wildlife	Keith Wilkinson
Siskiyou County	Jim De Pree (alternate)
Trinity County	Not represented
Yurok Tribe	Dave Hillemeier
U.S. Department of Agriculture	Robbie Van de Water (alternate)
U.S. Department of Interior	John Engbring, Chair

HATFIELD UPPER KLAMATH BASIN WORKING GROUP MEMBERS PRESENT

REPRESENTING	NAME
Klamath River Compact Commission	Alice Kilham, Chair

Introductory Remarks

John Engbring, Chair, opened the session by mentioning the previous day's events in New York City, and said he felt the r positive action was to continue with normal events. He stressed that this was a working session in which topics could be analyzed and discussed, but no decisions could be made. He briefly covered the day's agenda, including the Klamath Pro Consultation, Federal Advisory Committee Act and Ronnie Pierce's list of potential projects for salmon recovery in the Klamath Basin. He discussed the dual roles of the Task Force and the Hatfield Upper Klamath Basin Working Group regarding potential legislation. Those present agreed to devote the meeting to discussion of a document that could be included in potential Klamath Basin legislation.

2. Federal Advisory Commission Act

Laurie Simons discussed the Federal Advisory Committee Act (FACA), which sets out regulations governing the federal advisory committees such as the Klamath River Basin Fishery Task Force. She said if a committee meeting is deliberating to create a solution, there must be notice given and it must be open to the public. As there wasn't enough time to include this meeting in the *Federal Register*, this was to be considered a workshop. Task Force members agreed and said this meeting most resembled a sub-committee meeting. Keith Wilkinson asked to include a Long-Term Funding Subcommittee discussion. Dave Bitts said he would make a short presentation to the Hatfield Working Group on fishery management in the lower Basin. Paul Kirk asked for a summary at the end of the meeting.

Agendum 3. Klamath Project Consultations

John Engbring said the mediation process is made more difficult by a lack of a working long-term BA. He said Eric Glover and Steve Lewis met earlier in the week to discuss the BA. John Engbring said he believes the DOI will prepare a BA that does not result in a jeopardy decision. This would mean creating mitigating conditions for the sucker. The BOR plans to have an internal draft ready by early October. The FWS is waiting for the BA from BOR and he was not sure the BOR has met with NMFS.

In response to a question by Ronnie Pierce, John Engbring clarified that the BOR is working with the FWS to create a BA. John Engbring said creating a BA and EA-EIS that meets the jeopardy threshold has not succeeded in past years and that real actions and measures must be included to change the risk-analysis. In response to Mike Belchik's comment, John Engbring said informal consultation is occurring. Ronnie Pierce mentioned the need to consult the Tribes.

Alice Kilham mentioned the idea of pumping about 100,000 acre feet of water out of Swan Lake to the Lost River. She said winter water storage is being looked at, with Swan Lake as a possible storage site. The idea to use fields for winter water storage was discussed at length. Phil Detrich asked if the BA will look at various water year types; Steve Lewis said the BOR will develop a sliding scale depending on the amount of inflow projected for the lake and will adjust the amount of water that goes out to the irrigators. This would be done instead of water year types. John Engbring said a multi-year opinion is needed, rather than the current pattern of the BOR giving the BA to the FWS at the last minute.

The issue of the importance of timing water releases for the development of fingerlings was discussed, as was the monitoring of water quality of the Copco reservoirs. Mike Belchik said WO detailed monitoring is being done below Iron Gate Dam cooperatively by tribes, FWS, USGS, etc., but they have been unsuccessful in gaining cooperation upstream. Pacificorp is doing some questioning but not to the degree it is being done downstream. John Engbring said NMFS plans with the BO are unclear. NMFS may have to release an interim BO because the current opinion expires September 30, 2001.

Kent Bulfinch said the water quality being released by Iron Gate Dam is of paramount importance and that parameters of water quality are needed because the FERC license is under review. Dave Hillemeier suggested including this in a list of possible solutions. Jim De Pree asked about salmon recovery and John Engbring replied that NMFS is in the preliminary stages of their recovery process and is assembling their technical team. It will be at least a year or two before a recovery plan is written. The sucker recovery plan is out of date, as it was written in 1990, based on data gathered in the 1970s and 1980s. Jim De Pree said he would like a more concrete idea of what NMFS plans to release at the end of September. John Engbring said the priority is releasing an interim BO by September 30 because of the court order stating that the BOR will be in contempt of court unless it operates with a BO from NMFS.

4. Mediation Process

John Engbring said the mediation process will only address short-term relief for the farmers unless the Task Force or another group puts forth broader solutions. The recent terrorist attack of September 11 will absorb much of the available

funding. Alice Kilham said the Task Force therefore needs to develop as much consensus as possible. Jim De Pree said funding for agencies to develop long-term solutions is the key. Ronnie Pierce reiterated that the ESA cannot be negotiated, but discussion can focus on what action can be taken in the Basin to affect the baseline. Task Force members expressed concern that the views of different irrigators and of the agricultural community were not being heard and that decisions were being made after only 45 minutes of discussion. John Engbring said the Task Force should prepare a list to formally present to the mediation group. One step in this process would be to discuss the list of projects/solutions compiled by Ronnie Pierce (see handout). Members discussed the danger of short-term solutions that become long-term solutions and agreed that a commitment by Congress to funding long-term solutions is needed.

Agendum 5. Discussion of principles needed to develop an action plan

Dave Bitts said the following issues should be discussed: the relationship between upper and lower Basin groups, funding requests, FERC re-licensing, TMDL guidelines and recovery plans. Phil Detrich said recovery is stymied by too many parts of the process layered over each other rather than occurring in a coordinated fashion. He then presented a graph of a possible restoration process which could be used for consideration for legislation, as follows:

Coho Recovery Plan (NMFS and CDF&G) and Sucker Recovery Plan (FWS)

1. TMDLs completed by CA and OR (EPA)
2. FERC re-licensing process with BA and BO
3. All of above, as well as other projects, would be built into a coordinated long-term program.

Members expanded this list during the next meeting day. Ronnie Pierce said her list of actions could include some of Phil Detrich's schedule, and the overriding message is that state and federal agencies must coordinate to create a system-wide recovery plan. Mike Orcutt recommended that harvest management issues be included. Dave Bitts said the future role of the Klamath Council should be considered. There was consensus that congressional representatives should be approached to sponsor a bill and the Task Force could assist in this process.

The group then discussed the various options for a group to oversee the basin and how that group would do its job. It was recognized that the lower and upper basins can not be managed separately. Three options were put forth:

Reauthorize, with additional funding, the Hatfield Upper Klamath Basin Working Group and the Klamath River Basin Fisheries Task Force with a Council to oversee both groups.

Reauthorize, with additional funding, the Hatfield Working Group and the Task Force with the proviso that the groups hold joint meetings several times a year.

Dissolve both groups and authorize a new Klamath Basin Recovery Council. The KFMC would be re-authorized as would a Klamath Basin Water Management Council.

Mike Orcutt discussed how the Trinity Management Council be comprised of agencies and they have stakeholders in a separate group that provides information to the . Keith Wilkinson discussed the Long-Term Funding Proposal (*See Handout*), and said the question-and-answer portion has not been done. The issue of willing sellers among Klamath County farmers was discussed, in particular the problem of not hearing from all sides within the agricultural community.

Alice Kilham described the TMDL meeting on Sept. 18 of the Citizens Advisory Committee and said the draft statement pinpoints phosphorus loading as the main problem. (Agricultural runoff and sediment are seen as causes.) This draft will be released for public comment and will then go to the EPA.

John Engbring announced that the National Academy of Sciences is doing a peer review of the sucker and salmon BO's and BA's. They will have a preliminary report in January 2002 and a final report in about one year. The cost may be about \$658.00.

It was decided to work on Ronnie's list of projects the next day.

September 13, 2001

KLAMATH RIVER BASIN FISHERIES TASK FORCE MEMBERS PRESENT

REPRESENTING

California Commercial Salmon Fishing Industry
California Fish and Game
California In-River Sport Fishing Community
Del Norte County
Hoopa Valley Tribe
Humboldt County
Karuk Tribe
Klamath County
Klamath Tribe
National Marine Fisheries Service
Oregon Department of Fish and Wildlife
Siskiyou County
Trinity County
U.S. Department of Agriculture
U.S. Department of Interior

NAME

Dave Bitts
Not represented
Kent Bulfinch
Don Russell
Mike Orcutt (Joseph Jarnaghan alternate)
Paul Kirk
Ronnie Pierce (Leaf Hillman alternate)
Don Russell
Not represented
Not represented
Keith Wilkinson
Jim De Pree (Joan Smith alternate)
Not represented
Robbie Van De Water (Peg Boland alternate)
John Engbring, Chair

HATFIELD UPPER KLAMATH BASIN WORKING GROUP MEMBERS PRESENT

REPRESENTING

Community Interests
Klamath River Compact Commission

NAME

Jim Carpenter, Co-Chair
Alice Kilham, Co-Chair

1. Opening Remarks

John Engbring said the day's purpose was to discuss Ronnie Pierce's list and gather ideas on what to present to the mediation process, and possibly the legislative process. Jim Carpenter said he and Alice Kilham were the only Hatfield Upper Klamath Basin group members who were able to attend the day's meeting. He discussed reauthorization of the Hatfield group, which has received strong support from Sen. Wyden. He said Senate Bill 1010 would have a profound effect on restoration efforts, given the goal of a 40% reduction in phosphorus coming into upper Klamath Lake. Discussion followed on the issue of willing sellers. Paul Kirk said the agricultural community could learn from the transition made by the recreation fishing industry 15 years ago. He suggested that a paragraph be included in any report stating that funds should be made available to the agricultural community to help it make the transition to less water available for irrigation. The issue of transferring agricultural lands to private, rather than public, hands was discussed. The group then worked on parts of Ronnie Pierce's compiled list. (*See Attachment: Suggested Amendments/Modifications to Karuk Tribe's List of Proposed Actions*).

Jim Carpenter outlined key points from the Hatfield group meeting held the previous day. Members discussed the issue of creating a basin-wide group. John Engbring said the Hatfield group should seek reauthorization while recognizing that a new basin-wide group may be created by future legislation. Mike Belchik said, while he supports the Task Force, a single entity that gives equal weight to the lower and upper basins is needed. The consensus was that there must be a basin-wide view presented by a united group. However, any restructuring would require re-funding, and the issue of this becoming too large a group would have to be addressed. Dave Bitts said the value of the Task Force is that it broadly represents the interests of everyone involved in an issue and that the benefits of the consensus

process outweigh the drawbacks. Jim De Pree said the best way to approach this issue is for Congress to set the direction and tasks and then give a basin-wide group the funds and go-ahead to work out the details. It was pointed out that Klamath Tribe land issues are missing from this discussion. The tribes have strong legal water rights. Their position is about restoring tribal lands. The Yurok Tribe maintains the issue of basin restoration is linked to their ability to maintain livelihood, which is tied to the water. The Karuk Tribe concurs with this. John Engbring reinforced the value of putting ideas such as this on the table. Members then discussed Ronnie Pierce's list, and made suggestions for changes. Items not listed were left as is. Suggestions are as follows:

Suggested Amendments/Modifications to Karuk Tribe's List of Proposed Actions

Improving Hydrograph

HY 1 **B** Delete

HY 2 **B** Include language on mitigation for those counties where there has been a tax base loss because of transfer of lands from private to public ownership. Change language to **A**Study and analyze the retirement of agricultural lands, and where benefits would accrue, provide funding to purchase from willing sellers.@ Add **A**water quality@ as an advantage after **A**wildlife.@

HY 5 **B** Change to **A**Evaluate the need for ESA enforcement of water diversions above the Klamath Project.@

HY 10 **B** Combine this with HY 20 and add that a larger study of the effects of drilling on the aquifers is needed.

HY 12 to 17 **B** Combine these items within an **A**Increase Storage@ section and include lakes such as Gerber, Agency and Swan lakes.

HY 18 **B** Replace **A**water storage and quality improvement@ with **A**eco-system benefits.@

HY 20 **B** Incorporate wording so that the quality of the groundwater is being addressed.

HY 22 **B** Move to **A**Study Dam Decommission@ section

HY 26 **B** Include Upper Klamath Basin and add language that a study is needed to show benefits.

HY 27 to 29, 32 and 34 **B** Needs to be rewritten to encourage collaborative efforts by stakeholders to solve these issues.

Add New Item **B** Need to add a study or analysis of the groundwater pumping in Scott Valley and inter-connections to surface water.

Water Quality

WQ 1 **B** Expand the scope to the Shasta and Scott river basins

WQ 2 **B** Include in **A**Study Dam Decommission@ section

WQ 3 **B** Expand to entire Klamath Basin

WQ 4 **B** Change to Upper Klamath Basin (UKB).

WQ 5 **B** Change to entire Klamath basin, and add **A**expand existing program@

WQ 8 **B** Needs to be studied

WQ 9 **B** Klamath River and tributaries should be included. A study is recommended to see if this would be beneficial.

WQ 10 **B** Put in with **A**Study Dam Decommission@section

WQ 11 **B** Needs studies

WQ 12 **B** Move to Habitat Restoration (HA) section

Fish Passage

FP 1 **B** Reword to include studies on feasibility and benefits

FP 16 **B** Delete

FP 17 **B** Remove timetables

Add New Item after FP 7 **B** Add a feasibility study on replacing hydropower with off-stream low-head hydropower or other alternative energy sources

Add New Item **B** Explore feasibility and benefits to restoring fish passage to Dwinnell Dam

Habitat

HA 3 **B** Include in **A**Study Dam Decommission@section

HA 5 **B** Delete

HA 6 **B** Delete

HA 8 **B** This should include repairing/maintaining current road system as well as decommissioning roads.

Add New Item **B** Habitat work is needed in the river below Iron Gate Dam. \$150 million in funding over a 20-year period is needed. Also include funding for habitat work in the Upper Basin.

Legislature, Administrative and Planning Actions

AP 3 **B** The following are options to be considered:

Reauthorize, with additional funding, the Hatfield Upper Klamath Basin Working Group and the Klamath River Basin Task Force with a Council that would oversee both groups.

Reauthorize, with additional funding, the Hatfield Working Group and the Task Force with the proviso that the groups hold joint meetings several times a year.

Dissolve both groups and authorize a new Klamath Basin Recovery Council. The KFMC would be re-authorized as would a Klamath Basin Water Management Council

AR 4 – Not necessary

AP 5 to 7 **B** Modify to state **A**Funding will be provided to carry out the provisions of these items.@

AP 9 **B** This is a potential addition, with language and listing as follows:

Any legislation should include a description of a coordinated effort of all federal and state regulatory processes. A coordinated restoration process could include the following:

1. Coho Recovery Plan (NMFS and CDF&G) and Sucker Recovery Plan (FWS)
2. TMDLs completed by CA and OR (EPA)
3. Senate Bill 1010 process in the Upper Basin
4. FERC relicensing process with BA and BO
5. Long-term restoration actions
6. Harvest and hatchery management
7. Klamath Project BA (BOR) and BO (NMFS and FWS)
8. Non-Klamath Project restoration activities
9. All of the above would be built into a coordinated long-term project

AP 11 to 13 **B** Delete as these are included in AP 17

AP 17 **B** This describes the Klamath River Flow Study. Any additional monitoring studies should be added; for example, John Engbring will provide sucker monitoring studies. This could also include water quality monitoring studies above the reservoirs.

AP 18 and 19 **B** These two items could be combined.

AP 20 **B** This should be identified as an education/outreach item.

AP 23 **B** Task Force has estimated the cost of harvest monitoring at \$2.5 million annually.

John Engbring then closed the meeting with the statement that he found this forum to have been extremely productive. The next Task Force meeting will be October 10 and 11, 2001 in Yreka, CA.

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GLOSSARY OF ACRONYMS

AFS	American Fisheries Society
BA	Biological Assessment
BC	Budget Committee
BLM	Bureau of Land Management
BO	Biological Opinion
BOR	Bureau of Reclamation
BRD	Biological Resources Division
CEQ	Council on Environmental Quality
CDFG	California Department of Fish and Game
CDWR	California Department of Water Resources
Council	Pacific Fishery Management Council
CPUE	Catch-per-unit-effort
CRMP	Coordinated Resource Management Program
CVI	Central Valley Index
CVM	Contingency Valuation Method
CVPIA	Central Valley Project Improvement Act
CZMA	Coastal Zone Management Act
DFG	Department of Fish and Game
DOC	Department of Commerce
DOE	Department of Ecology
DWR	Department of Water Resources
EA	Environmental Assessment
EEZ	Exclusive Economic Zone
EIS	Environmental Impact Statement
ESU	Evolutionary Significant Unit
ESA	Endangered Species Act
FEMA	Federal Emergency Management Administration
F&G Commission	Fish and Game Commission (CA)
FMP	Fishery Management Plan
FWO	Fish and Wildlife Office
GIS	Graphic Information System
HAWG	Harvest Allocation Working Group
HCP	Habitat Conservation Plan
I/O	Input/Output
IFIM	Instream Flow Incremental Methodology
IGD	Iron Gate Dam
IGH	Iron Gate Hatchery
KCZ	Klamath Control Zone
KFA	Klamath Forest Alliance
KFMC	Klamath Fishery Management Council

KMZ	Klamath Management Zone
KOHM	Klamath Ocean Harvest Model
KP	Klamath Project
KPOP	Klamath Project Operation Process
KRSMG	Klamath River Salmon Management Group
KRTT or	Klamath River Technical Team
KRTAT	Klamath River Technical Advisory Team
LCDC	Land Conservation and Development Commission
LIAM	Legal and Institutional Analysis Model
LR	Long Range
MFCMA	Magnuson Fishery Conservation and Management Act
MMPA	Marine Mammal Protection Act
MOA	Memorandum of Agreement
MSY	Maximum Sustained Yield
NEPA	National Environmental Policy Act
NEV	Net Economic Value
NCIDC	Northern California Indian Development Council
NGO	Non Governmental Office
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
NPPA	Pacific Northwest Electric Power Planning and Conservation Act
NWS	National Weather Service
OCN	Oregon Coastal Natural
ODFW	Oregon Department of Fish and Wildlife
OFR	Office of Federal Register
OMB	Office of Management and Budget
OY	Optimum Yield
PAC	Provincial Advisory Committee
PacFIN	Pacific Coast Fisheries Information Network
PFMC	Pacific Fishery Management Council
PSTA	Pacific Salmon Treaty Act
RIR/IRFA	Regulatory Impact Review/Initial Regulatory Flexibility Analysis
RCD	Resource Conservation District
SAS	Salmon Advisory Subpanel
SCS	Soil Conservation Service
SEIS	Supplemental Environmental Impact Statement
STT	Salmon Technical Team
TAT	Technical Advisory Team
TCC	Technical Coordinating Committee
TFF	Trinity Task Force
TID	Talant Irrigation District
TMDL	Total Maximum Daily Load]
TMC	Trinity Management Council
TRT	Trinity Recovery Team
UBA	Upper Basin Amendment
WCZMP	Washington State Coastal Zone Management Program
WDFW	Washington Department of Fish and Wildlife
WEF	Washington Department of Fisheries
WFA	Women for Agriculture
YFWO	Yreka Fish and Wildlife Office

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LIST OF HANDOUTS

Handout 1	Letter to the Honorable Thomas M. Coffin from the Karuk Tribe, Dated July 27, 2001
Handout 2	Long Term Proposal for Klamath River Basin Fishery Resources Restoration Act of 1986 – 2006
Informational Handout	Meeting Notes, September 12, 2001, of the Hatfield Upper Klamath Basin Working Group